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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOSHIHIRO ISHIKAWA : EXAMINER: VOLPER, T.
SERIAL NO: 09/601,311 :
FILED: AUGUST 4, 2000 : GROUP ART UNIT: 2665
FOR: TRAFFIC CONTROL METHOD, :
MOBILE STATION DEVICE AND BASE
STATION DEVICE FOR MOBILE DATA
COMMUNICATIONS

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Technology Center 2600

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action mailed December 30, 2003, Applicants elect with traverse Group I, Claims 1-5, for further examination on the merits in the present application, wherein Claims 1-5 are drawn to a traffic control method in mobile communication system, classified in class 370, subclass 329.

Claims 1-5 are directed to a traffic control method to be carried out in a mobile communication system that includes a radio base station and a mobile radio terminal. Claims 6-10 are directed to a base station device for carrying out the traffic control method of Claims 1-5. Claims 11-15 are directed to a mobile station device for carrying out the traffic control method of Claims 1-5.

Applicants note that a patentably distinct feature common to each of Groups I-III concerns making an admission judgment to shift from a common channel to an individual channel. Thus, Applicants traverse the pending restriction requirement as Applicants believe

Reply to Office Action of December 30, 2003

examining Claims 1-15 directed to a method, a base station, and a mobile station each

reciting said admission judgment would not place an undue burden on the Examiner. MPEP

§ 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

In view of the above-illustrated close similarities between the restricted claims and the ease of modern computer searching now available to the Examiner, the claims of the present invention would appear to be part of an overlapping search area, and it is respectfully submitted that there would be little, if any, extra effort, i.e., "no serious burden," to examine all the pending claims in the present application, even if "the application includes claims to distinct or independent inventions."¹

Therefore, examination on the merits of Claims 1-5 is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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¹ MPEP §803.